

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KAYLA MARIE COLE,  
MARRISA MAY HOWARD, DAYCYAN PAUL  
HOWARD, and DESTYN JAMES HOWARD,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELISSA SUE HOWARD,

Respondent-Appellant,

and

JAMES HOWARD and BRETT BROKER,

Respondents.

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UNPUBLISHED

August 21, 2008

No. 282769

St. Joseph Circuit Court

Family Division

LC No. 05-000285-NA

Before: Schuette, P.J., and Zahra and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order of the trial court terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination had been established by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J). The minor children have been the subject of protective services involvement for over 11 years and were removed from respondent-appellant's care in 2005 and again in 2007. The children have lived in approximately eight different locations in the approximately three years leading up to termination. During this time, respondent-appellant has been unavailable to parent the children because she has been immersed in her own use of prescription medication, which often renders her unconscious. Petitioner has offered respondent-appellant numerous services over the past 11 years with virtually no progress.

Respondent-appellant argues that she substantially complied with the requirements set forth by petitioner after the children were again removed from her care in 2007, which precludes

termination. Compliance with a parent agency agreement, however, is insufficient if the parent has failed to benefit from the services offered. See *In re Gazella*, 264 Mich App 668, 675-676; 692 NW2d 708 (2005). Indeed, in this case, after the last removal petitioner had very few requirements for respondent-appellant because all the services available in the county had already been offered to her over the preceding 11 years. Moreover, respondent-appellant was not willing to cease her overuse of prescription medication and take responsibility for her actions. In light of the record, the trial court did not err in finding that respondent had failed to provide proper care and custody for the children and that there was no reasonable expectation that she would be able to do so within a reasonable time considering the children's ages.

Based on the same clear and convincing evidence, the trial court also did not err in finding that termination was not contrary to the best interests of the children. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We reject respondent-appellant's contention that the trial court's finding in this regard was somehow inadequate. The trial court was not required to make any specific finding on the record regarding the best interests of the children. *Id.* at 353-354; *Gazella, supra* at 677-678.

Affirmed.

/s/ Bill Schuette  
/s/ Brian K. Zahra  
/s/ Donald S. Owens